

Message Text

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12

ACTION L-03

INFO OCT-01 AF-08 ISO-00 JUSE-00 COME-00 EB-07 TRSE-00

CIAE-00 DODE-00 PM-04 H-02 INR-07 NSAE-00 NSC-05

PA-01 PRS-01 SP-02 SS-15 USIA-06 /062 W

----- 046419

R 281215Z APR 76

FM AMEMBASSY BUJUMBURA

TO SECSTATE WASHDC 5384

C O N F I D E N T I A L BUJUMBURA 0357

E.O. 11652: GDS

TAGS: PGOV, PFOR, BY

SUBJECT: CABINET TASK FORCE ON QUESTIONABLE PAYMENTS ABROAD:
FOREIGN LAWS ON QUESTIONABLE PAYMENTS

REF: STATE 94647

1. THE FOLLOWING RESPONSES ARE KEYED TO THE CORRESPONDING PARAGRAPHS PER REFTEL.

2. A) YES

B) NO

C) NO (SEE 75 BUJUMBURA 796)

D) NO. BURUNDI IS A SINGLE PARTY, MILITARY DICTATORSHIP, WHERE POPULAR ELECTIONS AND FREE POLITICAL CHOICE ARE ALIEN IDEAS AND DO NOT EXIST. IN THIS CONTEXT, THE AMERICAN NOTION OF AN INSTITUTIONAL ROLE FOR "OVERT POLITICAL CONTRIBUTIONS" IS MEANINGLESS.

E) NO

F) NO

3. THE FOLLOWING SUMMARIZES THE PART OF BURUNDI'S PENAL CODE
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(TITLE 4, SECTION 7) WHICH DEALS WITH OFFICIAL CORRUPTION: ANY PUBLIC

SERVICE OFFICIAL, SWORN EXPERT, OR ARBITER MAY BE CHARGED WITH CORRUPTION IF HE ACCEPTS MONEY OR GIFTS FOR PERFORMING HIS DUTIES, AND/OR DEMANDS OR ACCEPTS NON AUTHORIZED FEES FOR OFFICIAL SERVICES, IS GUILTY OF MALFEASANCE, OR IN ANY OTHER WAY VIOLATES THE LAW. THOSE PERSONS WHO CAUSE THE CORRUPTION OF PUBLIC OFFICIALS, SWORN EXPERTS, OR ARBITERS WITH MONEY OR PRESENTS, OFFERS OF MONEY OR PRESENTS, OR BY THREATENING THEM, ARE SUBJECT TO THE SAME PENALTIES AS THOSE WHO HAVE BEEN CORRUPTED. PENALTIES VARY FROM 8 DAYS IMPRISONMENT AND/OR 50 BURUNDI FRANC FINE TO 5 YEARS IMPRISONMENT AND/OR A 5000 BURUNDI FRANC FINE. (ONE DOLLAR EQUALS 78.35 BR. FR.)

4. ADDITIONAL LAWS HAVE RECENTLY BEEN PROMULGATED ALLEGEDLY TO HELP KEEP OFFICIAL CORRUPTION WITHIN BOUNDS: LAW 1/100 OF MAY 6, 1975, LATER AMENDED BY LAW 1/105 OF JUNE 30, 1975. THESE LAWS HAVE PROVIDED FOR A SPECIALIZED "ACCOUNTS SECTION OF THE SUPREME COURT" (LA CHAMBRE DES COMPTES DE LA COUR SUPREME), AND NEW PENALTIES (GREATER THAN THOSE ENUMERATED IN TITLE 4), WHICH CAN GO AS HIGH AS THE TOTAL CONFISCATION, BOTH FROM THE PERSON CONVICTED AND FROM HIS FAMILY, OF ALL PROPERTY AND GOODS LINKED WITH THE GUILTY PERSON'S UNLAWFUL ACTS. IN PRACTICE, THE ACCOUNTS COURT HAS METED OUT SENTENCES MUCH STIFFER THAN PROVIDED FOR IN TITLE 4, INCLUDING VERY HIGH FINES AND EVEN LIFE IMPRISONMENT, IN THE RELATIVELY SMALL NUMBER OF CASES WHICH IT HAS HANDLED.

5. COMMENT. BURUNDI'S ALL-PERVASIVE GOVERNMENTAL CORRUPTION WAS REVIEWED AT SOME LENGTH IN BUJUMBURA AIRGRAM 7, FEBRUARY 27, 1976. THE EXISTENCE OF ANTI-CORRUPTION LAWS MERELY MEANS THAT THE DOMINANT POWER GROUP ALWAYS HAS AT HAND A WEAPON TO USE AGAINST ITS TRADITIONAL OR NEWLY ACQUIRED POLITICAL ENEMIES. THE ACCOUNTS COURT HAS CERTAINLY BEEN USED IN THIS SELECTIVE AND HIGHLY ARBITRARY FASHION IN THE PAST YEAR, SO MUCH SO, IN FACT, THAT WHEN THE ORIGINAL ACCOUNTS COULD ACQUITTED TWO FALLEN EX-POLITICIANS ON GRAFT CHARGES, A NEW LAW WAS PASSED REVAMPING THE COURT, ANNULLING ACTIVITIES OF THE OLD COURT, AND MAKING IT POSSIBLE TO TRY THE TWO MEN A SECOND TIME (AS IS NOW TAKING PLACE). LOWER ECHELON OFFICIALS ARE SOMETIMES HAULED BEFORE THE COURT TOO, BUT, GENERALLY, THIS OCCURS ONLY WHEN THEY HAVE FALLEN VICTIM TO SOME LOWER LEVEL OR PROVINCIAL VENDETTA. CERTAINLY, HIGH GOVERNMENT OFFICIALS AND OTHERS WITH THE PROTECTION THAT GOES WITH CURRENT POLITICAL STATURE CONTINUE TO DEFY ANTI-CORRUPTION LAWS WITH IMPUNITY.

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6. FULL TEXTS OF RELEVANT LAWS ARE BEING POUCHED PER REFTEL.
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Message Attributes

Automatic Decaptioning: X
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Draft Date: 28 APR 1976
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Decaption Note:
Disposition Action: RELEASED
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Margaret P. Grafeld
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